

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

No. CR S-02-0191 MCE KJM P

VS.

EMUEL JAMES SMOTHERS,

Movant.

FINDINGS AND RECOMMENDATIONS

A recent court order was served on movant's address of record and returned by the postal service. It appears that movant has failed to comply with Local Rule 83-182(f), which requires that a party appearing in propria persona inform the court of any address change.

Accordingly, IT IS HEREBY RECOMMENDED that:

1. Movant's application for writ of habeas corpus under 28 U.S.C. § 2255 (#45) be dismissed for plaintiff's failure to keep the court apprised of his current address. See Local Rules 83-183(b) and 11-110

2. The Clerk of the Court be directed to close the companion civil case no. CIV-
S-05-0009 MCE KIM P

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty

1 days after being served with these findings and recommendations, plaintiff may file written
2 objections with the court. The document should be captioned "Objections to Magistrate Judge's
3 Findings and Recommendations." Plaintiff is advised that failure to file objections within the
4 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951
5 F.2d 1153 (9th Cir. 1991).

6 DATED: July 11, 2008.

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8 U.S. MAGISTRATE JUDGE

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